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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3447 of 2005

Between:

Tirumuru Janardhan Reddy, S/o.Dasaratharami Reddy, aged 62 years,
R/o. 15-420, Venkatrama Puram, Nellore-2.

... PETITIONER

AND

1. The Chief Commissioner of Land Administration, Government of Andhra Pradesh, Hyderabad.

2. The Commissioner & Director of Settlements, A.P., Hyderabad.

3. The Joint Collector-cum-Settlement Officer, Nellore.

4. The Mandal Revenue Officer, Naidupet Mandal, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, writ or direction more particularly a writ of mandamus under Article 226 of the Constitution of India, declaring the action of 1st respondent in not considering the stay petition filed along with the statutory revision dated -2-2005

filed against the order of 2nd respondent in his proceedings RPNo.13/99/E1 dated 28-08-2004 and the action of the respondents 3 and 4 in seeking to dispossess the petitioner from an extent of Acs.3.19 cents comprised in Rs Nos.134/1, 134/3, 134/4, 50/2P, 10/1P, 66-P, situated in Pandluru Village, Naidupet Mandal, Nellore District as illegal, arbitrary, unjust and consequently direct the respondents not to dispossess the petitioner from the above extent of land pending the statutory revision before the 1st respondent.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

The petitioner herein and other members of his family were granted Ryotwari patta in respect of an extent of Ac.3.19 cents situated in R.S.No.134/1, 134/3, 134/4, 50/2P, 10/1P, 66-P situated in Pandluru Village, Naidupet Mandal, Nellore District, on 03-02-1982. It is stated that the petitioner has been in possession and enjoyment of the said land for the past 50 years. While so, the third respondent-Joint Collector-cum-Settlement Officer, on a revision filed under Section 5(2) of Estates Abolition Act, 1948, has reconsidered the matter and by order dated 28-08-2004 set aside the pattas granted in favour of the petitioner. Aggrieved by the same, the petitioner and other pattadars have filed a revision petition before the first respondent-Chief Commissioner of Land Administration on 29-01-2005 together with an application seeking stay of the impugned proceedings of the third respondent.

The grievance of the petitioner is that the first respondent has failed to consider their revision petition and no orders have been passed on their application for stay, so far, and in the meanwhile, respondents 3 and 4 are taking steps for implementing the order dated 28-08-2004 and to dispossess the petitioner.

Having heard the learned counsel for the petitioner and the learned Government Pleader, and keeping in view that the revision petition is pending before the first respondent, I am of the view that it would be appropriate to protect the possession of the petitioner, till the disposal of the revision petition, pending before the first respondent.

Accordingly the writ petition is disposed of with a direction to the first respondent-Chief Commissioner of Land Administration to dispose of the revision petition pending on his file, against the order of the third respondent dated 28-08-2004, as expeditiously as possible, preferably within a period of three months, from the date of receipt of a copy of this order. Till such time, *status quo* obtaining as on today as to the nature and possession of the land in question shall be maintained.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 24-02—2005

Note: Furnish C.C. by Monday.

B/o.

LSK

ASSISTANT REGISTRAR

To

1. The Chief Commissioner of Land Administration, Government of Andhra Pradesh, Hyderabad.

2. The Commissioner & Director of Settlements, A.P., Hyderabad.

3. The Joint Collector-cum-Settlement Officer, Nellore.

4. The Mandal Revenue Officer, Naidupet Mandal, Nellore District.

5. Two C.Cs. to the Government Pleader for Revenue, High Court Buildigns, Hyderabad. (O.U.T.)

6. Two C.D. copies.